

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD INTERCHANGE  
FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION**

This Document Relates To:

BARRY'S CUT RATE STORES INC.; DDMB, INC. d/b/a EMPORIUM ARCADE BAR; DDMB 2, LLC d/b/a EMPORIUM LOGAN SQUARE; BOSS DENTAL CARE; RUNCENTRAL, LLC; CMP CONSULTING SERV., INC.; TOWN KITCHEN, LLC d/b/a TOWN KITCHEN & BAR; GENERIC DEPOT 3, INC. d/b/a PRESCRIPTION DEPOT; and PUREONE, LLC d/b/a SALON PURE,

Plaintiffs,

v.

VISA, INC.; MASTERCARD INCORPORATED; MASTERCARD INTERNATIONAL INCORPORATED; BANK OF AMERICA, N.A.; BA MERCHANT SERVICES LLC (f/k/a DEFENDANT NATIONAL PROCESSING, INC.); BANK OF AMERICA CORPORATION; BARCLAYS BANK PLC; BARCLAYS BANK DELAWARE; BARCLAYS FINANCIAL CORP.; CAPITAL ONE BANK, (USA), N.A.; CAPITAL ONE F.S.B.; CAPITAL ONE FINANCIAL CORPORATION; CHASE BANK USA, N.A.; CHASE MANHATTAN BANK USA, N.A.; CHASE PAYMENTECH SOLUTIONS, LLC; JPMORGAN CHASE BANK, N.A.; JPMORGAN CHASE & CO.; CITIBANK (SOUTH DAKOTA), N.A.; CITIBANK N.A.; CITIGROUP, INC.; CITICORP; and WELLS FARGO & COMPANY,

Defendants.

MDL No. 1720

Docket No. 05-md-01720 (MKB-JAM)

**NOTICE OF MOTION AND  
EQUITABLE RELIEF CLASS  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

TO: THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on a date and time determined by the Court, or as soon thereafter as the matter may be heard in the courtroom of the Honorable Margo K. Brodie, United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, Equitable Relief Class Plaintiffs<sup>1</sup> will and hereby do move this Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for an Order granting their Motion for Preliminary Approval of Settlement, a proposed copy of which is filed herewith and attached as Appendix E to the fully executed Class Settlement Agreement of the Rule 23(b)(2) Class Plaintiffs and the Defendants.

This Motion is based on this Notice and the accompanying Memorandum of Law in support thereof, the attached complete and fully executed Class Settlement Agreement of the Rule 23(b)(2) Class Plaintiffs and the Defendants, along with the Appendices attached thereto, the Declaration of Class Counsel in Support of Rule 23(b)(2) Motion for Preliminary Approval of Settlement, the Declaration of Liz Lambert, the Declaration of Eric D. Green dated March 22, 2024, the Declaration of Joseph E. Stiglitz dated March 25, 2024, the Declaration of Keith B. Leffler dated March 24, 3024, the pleadings and other files herein, and such other written and oral argument as may be presented to the Court.

PLEASE TAKE FURTHER NOTICE that the Equitable Relief Class Plaintiffs request oral argument on this Motion.

Dated: March 26, 2024

Respectfully submitted,

By: s/ Robert G. Eisler  
Robert G. Eisler

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<sup>1</sup> Equitable Relief Class Plaintiffs include Boss Dental Care; Runcentral, LLC, CMP Consulting Serv., Inc., Generic Depot 3, Inc. (doing business as Prescription Depot), and PureOne, LLC.; and the certified class of which they are the named representatives.

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